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**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D-2003-63690

MIMI SAADAT  
20435 Via Don Juan  
Yorba Linda, California 92686

**ACCUSATION**

Physical Therapist No. PT 11203

Respondent.

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.(Board)

2. On or about November 14, 1982, the Board issued Physical Therapist No. PT 11203 to Mimi Saadat (Respondent). Unless renewed, said license will expire on February 29, 2008.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise

1 indicated.

2 4. Section 2660 states:

3 “The board may, after the conduct of appropriate proceedings under the  
4 Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose  
5 probationary conditions upon any license, certificate, or approval issued under this chapter for  
6 unprofessional conduct that includes, but is not limited to, one or any combination of the  
7 following causes:

8 “(a) Advertising in violation of Section 17500.

9 “(b) Fraud in the procurement of any license under this chapter.

10 “(c) Procuring or aiding or offering to procure or aid in criminal abortion.

11 “(d) Conviction of a crime which substantially relates to the  
12 qualifications, functions, or duties of a physical therapist or physical therapy  
13 assistant. The record of conviction or a certified copy thereof shall be conclusive  
14 evidence of that conviction.

15 “(e) Impersonating or acting as a proxy for an applicant in any  
16 examination given under this chapter.

17 “(f) Habitual intemperance.

18 “(g) Addiction to the excessive use of any habit-forming drug.

19 “(h) Gross negligence in his or her practice as a physical therapist or  
20 physical therapy assistant.

21 “(i) Conviction of a violation of any of the provisions of this chapter or of  
22 the State Medical Practice Act, or violating, or attempting to violate, directly or  
23 indirectly, or assisting in or abetting the violating of, or conspiring to violate any  
24 provision or term of this chapter or of the State Medical Practice Act.

25 “(j) The aiding or abetting of any person to violate this chapter or any  
26 regulations duly adopted under this chapter.

27 “(k) The aiding or abetting of any person to engage in the unlawful  
28 practice of physical therapy.

1                   “(l) The commission of any fraudulent, dishonest, or corrupt act which is  
2 substantially related to the qualifications, functions, or duties of a physical  
3 therapist or physical therapy assistant.

4                   “(m) Except for good cause, the knowing failure to protect patients by  
5 failing to follow infection control guidelines of the board, thereby risking  
6 transmission of blood-borne infectious diseases from licensee to patient, from  
7 patient to patient, and from patient to licensee. In administering this subdivision,  
8 the board shall consider referencing the standards, regulations, and guidelines of  
9 the State Department of Health Services developed pursuant to Section 1250.11 of  
10 the Health and Safety Code and the standards, regulations, and guidelines  
11 pursuant to the California Occupational Safety and Health Act of 1973 (Part 1  
12 (commencing with Section 6300) of Division 5 of the Labor Code) for preventing  
13 the transmission of HIV, Hepatitis B, and other blood-borne pathogens in health  
14 care settings. As necessary, the board shall consult with the Medical Board of  
15 California, the California Board of Podiatric Medicine, the Board of Dental  
16 Examiners of California, the Board of Registered Nursing, and the Board of  
17 Vocational Nursing and Psychiatric Technicians, to encourage appropriate  
18 consistency in the implementation of this subdivision.

19                   The board shall seek to ensure that licensees are informed of the  
20 responsibility of licensees and others to follow infection control guidelines, and of  
21 the most recent scientifically recognized safeguards for minimizing the risk of  
22 transmission of blood-borne infectious diseases.

23                   “(n) The commission of verbal abuse or sexual harassment.”

24                   5.       Section 2661 states:

25                   “A plea or verdict of guilty or a conviction following a plea of nolo contendere  
26 made to a charge of a felony or of any offense which substantially relates to the qualifications,  
27 functions, or duties of a physical therapist is deemed to be a conviction within the meaning of  
28 this article. The board may order the license suspended or revoked, or may decline to issue a

1 license, when the time for appeal has elapsed, or the judgement of conviction has been affirmed  
2 on appeal or when an order granting probation is made suspending the imposition of sentence,  
3 irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing that person  
4 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict  
5 of guilty, or dismissing the accusation, information, or indictment.”

6 6. Section 2620.7 provides:

7 “(a) A physical therapist shall document his or her evaluation, goals,  
8 treatment plan, and summary of treatment in the patient record.

9 (b) A physical therapist shall document the care actually provided to a  
10 patient in the patient record.

11 (c) A physical therapist shall sign the patient record legibly.

12 (d) Patient records shall be maintained for a period of no less than seven  
13 years following the discharge of the patient, except that the records of  
14 unemancipated minors shall be maintained at least one year after the minor has  
15 reached the age of 18 years, and not in any case less than seven years.”

16 7. Section 2661.5 provides:

17 “(a) In any order issued in resolution of a disciplinary proceeding before  
18 the board, the board may request the administrative law judge to direct any  
19 licensee found guilty of unprofessional conduct to pay to the board a sum not to  
20 exceed the actual and reasonable costs of the investigation and prosecution of the  
21 case.

22 “(b) The costs to be assessed shall be fixed by the administrative law  
23 judge and shall not in any event be increased by the board. When the board does  
24 not adopt a proposed decision and remands the case to an administrative law  
25 judge, the administrative law judge shall not increase the amount of the assessed  
26 costs specified in the proposed decision.

27 “(c) When the payment directed in an order for payment of costs is not  
28 made by the licensee, the board may enforce the order of payment by bringing an

1 action in any appropriate court. This right of enforcement shall be in addition to  
2 any other rights the board may have as to any licensee directed to pay costs.

3 “(d) In any judicial action for the recovery of costs, proof of the board's  
4 decision shall be conclusive proof of the validity of the order of payment and the  
5 terms for payment.

6 “(e) (1) Except as provided in paragraph (2), the board shall not renew or  
7 reinstate the license or approval of any person who has failed to pay all of the  
8 costs ordered under this section.

9 “(2) Notwithstanding paragraph (1), the board may, in its discretion,  
10 conditionally renew or reinstate for a maximum of one year the license or  
11 approval of any person who demonstrates financial hardship and who enters into a  
12 formal agreement with the board to reimburse the board within that one year  
13 period for those unpaid costs.

14 “(f) All costs recovered under this section shall be deposited in the  
15 Physical Therapy Fund as a reimbursement in either the fiscal year in which the  
16 costs are actually recovered or the previous fiscal year, as the board may direct.”

#### 17 FIRST CAUSE FOR DISCIPLINE

##### 18 (Conviction of a Crime)

19 8. Respondent is subject to disciplinary action under section 2660,  
20 subdivision (b) and section 2661 in that she was convicted of a crime which substantially relates  
21 to the qualifications, functions or duties of a physical therapist. The circumstances are as  
22 follows:

23 9. On or about October 14, 2005, the District Attorney of Orange County  
24 charged Respondent with felonies as follows: two counts of violation of Penal Code section 550,  
25 subdivision (a)(5), (knowingly preparing a writing with the intent to present it in support of a  
26 false claim); two counts of violation of Penal Code section 550, subdivision (a)(6), (knowingly  
27 making a false or fraudulent claim for payment of a health care benefit); and two counts of  
28 violation of Penal Code section 550, subdivision (a)(7), (knowingly submitting a claim for a

health care benefit that was not used by, or on behalf of, the claimant.) Respondent pled not guilty.

10. On February 22, 2006, on the People's motion, both charges of violation of Penal Code section 550, subdivision (a)(5) were amended by interlineation to charges of violation of Penal Code section 550, subdivision (a)(7). The People also moved to reduce all charges to misdemeanors pursuant to Penal Code section 17, subdivision (b) and moved to dismiss two of the six counts against Respondent. Respondent pleaded no contest to all remaining charges (two counts each of violation of Penal Code section 550, subdivision (a)(6) and Penal Code section 550, subdivision (a)(7).) Imposition of sentence was suspended and Respondent was placed on informal probation for three years on various terms and conditions, including that she obey all terms and conditions imposed by the Board of Physical Therapy. Respondent was also ordered to and did pay restitution in the amount of \$31,245.86 to HealthNet.

## SECOND CAUSE FOR DISCIPLINE

(Failure to Create and/or Maintain Patient Records)

11. Respondent is subject to disciplinary action under section 2620.7 in that she failed to document her evaluation, goals, treatment plan and summary of treatment in patient records. In addition, she failed to document the care actually provided to patients in patient records and/or failed to maintain patient records for the time required by law. The circumstances are as follows:

12. On or about October 22, 2004, the charts of patients M.N., C.F., R.R., M-A.A, I.E., M.A. and T.H. were reviewed. Respondent failed to document patient evaluation, treatment goals, treatment plan, and summary of treatment in these patient records. Respondent failed to make adequate documentation of the care actually provided to each patient in their patient records. Respondent failed to legibly sign the patient records. Respondent failed to maintain patient records for a period of no less than seven years following the discharge of the patients.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters  
3 alleged in this Accusation, and that following the hearing, the Physical Therapy Board of  
4 California issue a decision:

5 1. Revoking or suspending Physical Therapist No. PT 11203, issued to Mimi  
6 Saadat;

7 2. Ordering Mimi Saadat to pay the Physical Therapy Board of California the  
8 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
9 Professions Code section 2661.3;

10 3. Taking such other and further action as deemed necessary and proper.  
11

12 DATED: October 24, 2006  
13  
14

15 Original Signed By:  
16 STEVEN K. HARTZELL  
17 Executive Officer  
18 Physical Therapy Board of California  
19 Department of Consumer Affairs  
20 State of California  
21 Complainant  
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